

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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MONA ABOUZIED, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

APPLIED OPTOELECTRONICS, INC.,  
CHIH-HSIANG (THOMPSON) LIN, and  
STEFAN J. MURRY,

Defendants.

Case No. 4:17-cv-02399

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GAURAV TANEJA, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

APPLIED OPTOELECTRONICS, INC.,  
CHIH-HSIANG (THOMPSON) LIN, and  
STEFAN J. MURRY,

Defendants.

Case No. 4:18-cv-3544

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DAVIN POKOIK, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

APPLIED OPTOELECTRONICS, INC.,  
CHIH-HSIANG (THOMPSON) LIN, and  
STEFAN J. MURRY,

Defendants.

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Case No. 4:18-cv-3722

STEPHEN MCGRATH, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

APPLIED OPTOELECTRONICS, INC.,  
CHIH-HSIANG (THOMPSON) LIN, and  
STEFAN J. MURRY,

Defendants.

Case No. 4:18-cv-3914

**MOTION OF LAWRENCE ROUGIER  
FOR CONSOLIDATION OF RELATED ACTIONS**

Court-appointed Lead Plaintiff Lawrence Rougier (“Rougier” or “Lead Plaintiff”), respectfully moves this Court for entry of the attached [Proposed] Order: (1) consolidating *Taneja v. Applied Optoelectronics, Inc. et al.*, Case No. 4:18-cv-03544-SL (S.D. Tex.) (the “*Taneja* Action”), *Pokoik v. Applied Optoelectronics, Inc. et al.*, Case No. 4:18-cv-03722-LR (S.D. Tex.), and *McGrath v. Applied Optoelectronics, Inc. et al.*, Case No. 4:18-cv-03914-LR (S.D. Tex.) (altogether the “Related Actions”), with the above-captioned consolidated securities class action (the “Consolidated Securities Action”)<sup>1</sup> pursuant to Rule 42(a) of the Federal Rules of Civil Procedure; (2) striking the November 30, 2018 lead plaintiff deadline purportedly triggered by the notice of pendency of the Related Actions, published on October 1, 2018 (the “*Taneja* Notice”); (3) declaring any motions to be filed seeking appointment as lead plaintiff in response to the *Taneja* Notice ineffective; (4) requiring republication of a corrected notice explaining that a lead plaintiff has already been appointed as of January 22, 2018; and (4) granting such further relief as the Court may deem just and proper.

This Motion is based on the accompanying Memorandum of Law in support thereof, the Declaration of Jamie McKey filed herewith, the pleadings and other filings herein, the [Proposed] Order attached hereto, and any such other written or oral argument as may be permitted by the Court.

Respectfully submitted,

Dated: November 7, 2018

Jamie McKey  
**KENDALL LAW GROUP, PLLC**  
JAMIE MCKEY  
Texas Bar No. 24025262  
JOE KENDALL  
Texas Bar No. 11260700

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<sup>1</sup> On January 22, 2018, Judge Gilmore appointed Mr. Rougier as Lead Plaintiff and consolidated *Ludwig v. Applied Optoelectronics, Inc., et al.*, Case No. 4:17-cv-02399 (S.D.T.X.) with *Abouzied v. Applied Optoelectronics, Inc., et al.*, Case No. 4:17-cv-02399 (S.D. Tex.). See *Abouzied v. Applied Optoelectronics, Inc.*, 2018 U.S. Dist. LEXIS 16801, at \*2 (S.D. Tex. Jan. 22, 2018).

3232 McKinney Avenue, Suite 700  
Dallas, Texas 75204  
Tel.: (214) 744-3000  
Fax: (214) 744-3015  
jmckey@kendalllawgroup.com  
jkendall@kendalllawgroup.com

*Liaison Counsel for Lead Plaintiff and Class*

**LEVI & KORSINSKY, LLP**

Shannon L. Hopkins  
733 Summer Street, Suite 304  
Stamford, Connecticut 06901  
Tel.: (203) 992-4523  
Fax: (212) 363-7171  
shopkins@zlk.com

*Lead Counsel for Lead Plaintiff and Class*

### **CERTIFICATE OF CONFERENCE**

I hereby certify that during the week of October 4, 2018, counsel conferred by phone with counsel for Defendants. Defendants then filed their Response to Plaintiff's Notice of Related Filings on November 11, 2018, indicating they oppose this motion. I further certify that counsel conferred by phone and/or email with counsel for Plaintiffs in the three Related Actions who did indicate whether they oppose or do not oppose this motion.

Dated: November 7, 2018

Jamie McKey

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, November 7, 2018, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Jamie McKey